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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|------------------------------|---|---|
| UNITED STATES OF AMERICA, |) | CR No. 03-07-70345 |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED ORDER |
| |) | EXTENDING THE TIME LIMIT FOR THE |
| v. |) | PRELIMINARY HEARING AND |
| |) | EXCLUDING TIME |
| GLENIO JESUA FERREIRA SILVA, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the September 28, 2007 calendar and be continued until October 26, 2007 and that time should be excluded from the Speedy Trial Act calculations from September 28, 2007 through October 26, 2007 for effective preparation of counsel. The Government has provided voluminous discovery to the defendant and defense counsel requires time to review it. Further, counsel for the Government and defense counsel are currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is within his client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P.

STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY HEARING AND EXCLUDING TIME- CR 03-07-70345 BZ

5.1(c),(d). The parties represent that granting this continuance is necessary for effective preparation of counsel to permit defense counsel to review discovery and to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO STIPULATED.

SCOTT N. SCHOOLS
United States Attorney

DATED: September 26, 2007

/s/
DENISE MARIE BARTON
Assistant United States Attorney

DATED: September 26, 2007

/s/
STEVEN GRUEL
Attorney for GLENIO JESUA FERREIRA
SILVA

IT IS SO ORDERED.

For the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from September 28, 2007 through October 26, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

DATED: 10/1/07



Honorable Nandor J. Vadas
United States Magistrate Judge